

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

DAVID VANN,

Plaintiff,

v.

THE CITY OF ROCHESTER, a municipal entity,
POLICE OFFICER MATTHEW DRAKE, IBM #1956,
POLICE OFFICER STEVEN MITCHELL, IBM #2134,
POLICE OFFICER JEFFREY KESTER, IBM #2230,
et al.,

Defendants.

**DEFENDANTS'
SUPPLEMENTAL
RESPONSE
TO FIRST REQUEST FOR
PRODUCTION OF
DOCUMENTS
Case No.: 18-cv-06464**

PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENT

Defendant City of Rochester and all individual defendants (hereinafter "City") answer and object to Plaintiff's First Set of Document Demands as follows:

General Objections

All responses are made without in any way waiving or intending to waive, but intending to preserve and preserving:

All objections to questions as to competency, relevance, materiality, privilege, scope, and admissibility of evidence for any purpose in any subsequent proceeding or the trial of this or any other action.

The right to object to the use of any of the answers or the subject matter thereof in any subsequent proceeding or the trial of this or any other action on any grounds.

The right to supplement and/or amend these answers as the Defendants' investigation, discovery and preparation for trial continues.

The Defendants object generally to each demand to the extent that it seeks discovery of:

Confidential information, except as a suitable protective order is entered;

Information subject to the attorney/client privilege, or any other privilege;

Information constituting the work product of the Defendants or their attorneys;

The Defendants object to plaintiff's document demand to the extent it purports to impose obligations not established by the Federal Rules of Civil Procedure or the Local Rules of Civil Procedure for the United States District Court for the Western District of New York.

All Responses include information contained and intended to be found in the following links:

[City of Rochester | Police Department Discipline Database](#)

[City of Rochester | Rochester Police Department](#)

I. DOCUMENT REQUESTS RELATED TO THIS INCIDENT

1. All documents identified in the Interrogatories.

Response: See objections and responses to the foregoing interrogatories. Bates Nos. COR000001 – COR000103. No supplement to this request.

2. All RPD and CITY documents relating to plaintiff's arrest in this matter and subsequent prosecution.

Response: See Bates Nos. COR000001 – COR000103. No supplement to this request.

3. Copies of all CAD reports / print-outs related to the incident.

Response: Bates Nos. COR000065 – COR000070. No supplement to this request.

4. All audio recordings from the Emergency Communications Department of the City of Rochester related to this incident.

Response: No documents exist. No supplement to this request.

5. Produce copies of all communications by each Officer Defendant and any other RPD Officers and/or City employees related to this incident, including communications made via their vehicles' Mobile Data Computer (MDC) and/or the Computer Aided Dispatch (CAD) system; text messages; emails; social media communications; interdepartmental communications, etc.

Response: No such documents have been located.

6. Audio recordings of all radio runs, 911 calls, and communications by and between RPD employees related to this incident and the surrounding circumstances.

Response: No such documents exist.

7. All written or recorded statements made or given by Officer Defendants or any other member of the RPD relating to plaintiff's arrests and/or prosecutions, and the surrounding circumstances.

Response: See Bates Nos. COR000001 – COR000103 for the instant arrest and .

8. All notes, documents or recordings related to any communications with the Rochester Police Locust Club regarding the incident by any Officer defendant.

Response: Defendants object to this RFP as any correspondence with the Locust Club pertaining to this incident by an officer would be with legal counsel and would thus be privileged. Outside of privileged documents or correspondence no such documents exist. No supplement to this request.

9. All notes, documents or recordings related to any communications or interviews with the MCDA's Office in preparation for drafting a criminal complaint against plaintiff, or any document related to plaintiff's prosecution.

Response: Defendants object to this request on the grounds that it is vague, seeks materials not in the possession, custody or control of defendants, and implicates the sealing provisions of CPL §§ 160.50 and 160.55. After review, no such documents exist.

10. All notes, documents or recordings related to any communications or interviews with the MCDA's Office in preparation for testifying at the grand jury.

Response: After review, no such documents exist.

11. All notes, documents or recordings related to any communications or interviews with the MCDA's Office in preparation for testifying at the grand jury.

Response: After review, no such documents exist.

12. All documents maintained by the RPD concerning plaintiff, without date limitation, etc., pertaining to plaintiff's other arrests.

Response: See Bates Nos. COR VANN 051739 - COR 051795

13. All communications sent or received by any member of RPD concerning Plaintiff's arrest and/or prosecution, and the surrounding circumstances.

Response: See Bates Nos. COR000001 – COR000103.

14. Copies of all videos related to this incident.

Response: See Bates Nos. COR001038. Videos on disk, with player delivered via overnight. No supplement to this request.

15. Color copies of all photographs of the Plaintiff from the night of the incident, including Plaintiff's mug shot and all photos taken at the scene of the incident required.

Response: See Bates Nos. COR000007, COR001039-COR001059. No supplement to this request.

16. All subject resistance reports or any other document created as a result of the force used in this incident.

Response: See Bates Nos. COR000001 – COR000103. No supplement to this request.

17. Color copies of all photographs or video recordings of the scene of the plaintiff's arrest.

Response: See Bates Nos. COR001039-COR001059.

18. The GPS records for each RPD vehicle that arrived at the scene of the incident from 11 pm on September 4, 2015 to 11 pm on September 5, 2015.

Response: Documents do not exist.

19. The AVL and Weather Sensor Intelligent Transportation System records for each RPD vehicle that arrived at the scene of the arrest from 11 pm on September 4, 2015 to 11 pm on September 5, 2015.

Response: Documents do not exist.

20. All text messages from every personal and department issued cellular telephone by every defendant, without date limitation, that is in any way related to this incident.

Response: No such documents were located and subsequent review indicates there are no documents responsive to this request.

21. All text messages from every personal and department issued cellular telephone from every defendant officer, without date limitation, that is any way related to

this incident.

Response: No documents were located at this time and subsequent review indicates there are no documents responsive to this request.

22. All phone call records of the individual defendants, for both personal and department issued phones, from 11 pm on September 4, 2015 to 11 pm on September 5, 2015.

Response: Phone call records responsive to this request could not be located but will continue to search and update this discovery for any such records.

23. All emails relating to the matter sued upon.

Response: Defendants object to this interrogatory, emails found regarding this incident were with legal counsel and thus privileged. Outside of privileged documents or correspondence and emails turned previously turned over in Bates Nos. COR000001 – COR000103 and COR0001035-COR0001036, no such documents were located.

24. Produce a copy of the entire Professional Standards Section file regarding the investigation of this matter.

Response: See Bates Nos. COR0001035-COR0001036. See Bates Nos. COR000104-COR000420. See all Shared File Links and portal links. Also see Documents Bate Stamped No. COR00084-COR000101 which contain the concise officer History Reports for the Officers who used force in this incident, COR0001037.

25. All documents received, created, prepared or maintained by the RPD's Professional Standards Section (including, without limitation, any disposition or determination) related to this incident and the surrounding circumstances.

Response: See Bates Nos. COR 0000030-COR000060; COR0001035-COR0001036.

26. All documents concerning disciplinary or criminal proceedings contemplated or instituted against Plaintiff and/or defendants in connection with the Incident and the surrounding circumstances.

Response: No such documents exist with the exception of the Grand Jury packet. See Bates Nos. COR000001 – COR000103.

27. All records and reports documenting plaintiff's arrest.

Response: See Bates Nos. COR000001 – COR000103.

28. Roll Calls for each tour covering the incident.

Response: No documents have been located at this time.

29. Mug shots and/or Prisoner Movement slips and/or Prisoner Data Reports of Plaintiff in the possession, custody or control of Defendants, without date limitation.

Response: See Bates Nos. COR000001 – COR000103.

30. The printout of the Job Card related to this incident.

Response: See Bates Nos. COR00065-COR00070.

31. A clear photograph of each officer who was present at the scene or involved in the incident or investigation for purposes of witness identification.

Response: See Bates No. COR VANN 027465 - COR VANN 027470.

32. All technician's Evidence and Photography reports, RPD 1201, Technician Evidence and Photo Addendum reports, RDP 1201A and the Digital Image Pack Report, RPD 1350, related to this incident.

Response: See Bates Nos. COR000001 – COR000103 and COR001039-COR001059.

33. All ESI and other metadata from the memory cards/SD cards related to all photographs taken by the technicians at the scene.

Response: Such information does not exist or cannot be retrieved at the time of the initiation of this lawsuit. If requested information exists or is otherwise found, information will be turned over.

34. All ESI and other metadata from the Photo Lab's external hard drive related to the photographs of the incident.

Response: Such information does not exist or cannot be retrieved at the time of the initiation of this lawsuit. If requested information exists or is otherwise found information will be turned over.

35. All information and material relating to any tangible item, document or other record concerning the matter sued upon, which has been destroyed, including all information and material relating to the destruction process itself.

Response: It is not believed that any information or documents have been purposely destroyed. Notwithstanding the aforementioned belief, defendants state that retain records in accordance with Records Retention and Disposition Schedule MU-1.

36. With regard to each officer, agent, or employee of the Department or City who was present at or involved in the incidents sued upon, including any subsequent investigation, produce the entries of each such person including but not limited to the individually named defendant police officers in his/her records, memo books, diaries, logs, journals, emails, text messages, and calendars for that date, and all documents memorializing such person's impressions, observations, summaries, descriptions, recounting, or version of the aforementioned events.

Response: See entirety of production.

37. Produce all medical records for Jeffrey Kester related to this incident allegedly sustained in this incident.

Response: The City does not keep custody of these records in the normal course of business and any such information that exists would be held by an outside agency, the City will obtain any such records and turn them over if found.

38. Produce all medical records for Matthew Drake related to injuries allegedly sustained in this incident.

Response: The City does not keep custody of these records in the normal course of business and any such information that exists would be held by an outside agency, the City will obtain any such records and turn them over if found.

39. For the IAPro System used by the RPD, please provide attachment, logs, routings, tasks, timescales and usage logs generated that reference this incident.

Response: Please see COR VANN 042827 - COR VANN 045606, COR UOF 000001 - COR UOF 027533, and audio/ video files

USE OF FORCE HISTORIES AND PERSONNEL FILES OF THE OFFICER DEFENDANTS

40. All documents identified in the Interrogatories served contemporaneously herewith. Please be sure to specify which documents explain, support or supplement each interrogatory response.

Response: This RFP appears to repeat of RFP No. 1. See Bates No. COR00001-COR000103 as a singular document (the case file) supporting all interrogatories.

41. Every Subject Resistance Report for every Officer Defendant and Other Identified Officer from the date of each officer's appointment.

Response: PRODUCED ALL SRRS on 4/13/2021, see COR VANN 006891 – COR VANN 027444 (Segregated and saved as "41 - SRRs from Named Officers" and "41 - SRRs from Additional Officers"). SRRs for Liberatore and McPherson purged, per policy, as they are no longer with RPD.

42. For every Officer Defendant and Other Identified Officer: produce the Concise Officer History Report.

Response: See all Shared File Links previously sent on thumb drive. Also see documents Bates No. COR00084-COR000101 which contain the concise officer History Reports for the Officers who used force in this incident.

43. For every Officer Defendant and Other Identified Officer produce the complete Professional Standards Section file.

Response: See Bates Nos. COR000104-COR000420. See all Shared File Links previously sent on thumb drive. Also see documents Bates No. COR00084-COR000101 which contain the concise officer History Reports for the Officers who used force in this incident.

44. For each Officer Defendant and Identified Officer produce the complete personnel file.

Response: Produced on January 13, 2023, See Bates Nos. COR000104-COR000420. See all Shared File Links and portal links. Also see documents Bates Nos. COR00084-COR000101 which contain the concise officer History Reports for the Officers who used force in this incident. See COR028825- COR052818.

45. Produce copies of every Memorandum of Record or Counseling Memorandum documenting oral remedial instructions issued to any Officer Defendant, and the corresponding Intra-Departmental Correspondence. Also produce any written responses by the Officer Defendants.

Response: These documents were produced on January 13, 2023 see Bates Nos. COR000104-COR000420. See all Shared File Links on thumb drive. Also see documents Bates No. COR00084-COR000101 which contain the concise officer History Reports for the Officers who used force in this incident. See COR028825- COR052818.

46. For every Officer Defendant and Other Identified Officer produce the complete file of any personnel investigations of any Officer Defendant that were assigned to a command other than PSS.

Response: No such described documents found (any personnel investigation would be kept in an officer's PSS file). Produced in response too second RFP on January 13, 2023. Also See COR028825- COR052818.

47. For every Officer Defendant and Other Identified Officer: Produce copies of every citizen complaint from the beginning of the officers' employment with RPD to the present.

Response: Defendants object to this request on the grounds that it is vague, ambiguous, overbroad, insufficiently limited in time and scope, and invades the privacy interests of defendants. Notwithstanding and without waiving these or the general objections, see Bates Nos. COR000104-COR000420. See all Shared File Links contained on thumb drive sent with Second RFP on January 13, 2023. See attached Complaints from 2010-2020.

48. For every Officer Defendant and Other Identified Officer: Produce all records related to the counseling or disciplining of any of the Officer Defendants for any citizen complaint.

Response: See Bates Nos. COR000104-COR000420. See all Shared File Links and portal links. See attached Complaints from 2010-2020.

49. For every Officer Defendant and Other Identified Officer: Produce every Command Discipline Report Form, RPD 1334, prepared for any violation committed by each from the beginning of any officer the subject officers, without date restriction.

Response: See CORVANN 051015-CORVANN 051050. Command Discipline purged after one year per Records Retention and Disposition Schedule MU-1. 15-0872, 17-1081, 15-00892, 18-0276, 18-0304, 18-0430 and 18-0770 do not exist.

50. For every Officer Defendant and Other Identified Officer: Produce all records documenting any purging of command discipline records of any subject officer, without date restriction.

Response: No such documents found. Produced in Second RFP on January 13, 2023. See also COR028825-COR 052818.

51. For every Officer Defendant and Other Identified Officer: Produce All documents concerning or reflecting interviews of the Officer Defendants by supervisors or members of the Professional Standards Section in connection with any use of force incident.

Response: Produced on April 28, 2022. See Bates No. CORVANN 02745-CORVANN028824 Bates Nos. COR000104-COR000420. See all Shared File Links on thumb drive previously sent. Additional officers are at CORVANN 029847-CORVANN 033331. Also see documents Bates No. COR00084-COR000101 which contain the concise officer History Reports for the Officers who used force in this incident, See COR0001037.

52. For every Officer Defendant and Other Identified Officer: Produce the complete Professional Development Section file.

Response: Produced on April 28, 2022. See Bates No. CORVANN 02745-CORVANN028824 Bates Nos. COR000104-COR000420. See all Shared File Links on thumb drive previously sent. Additional officers are at CORVANN 029847-CORVANN 033331. Also see documents Bates No. COR00084-COR000101 which contain the concise officer History Reports for the Officers who used force in this incident, See COR0001037.

53. For every Officer Defendant and Other Identified Officer: Produce copies of any documentation of meetings regarding patterns of any unsatisfactory performance identified by the subject officers' evaluating supervisors, including any action plans (see GO 207 V. E. 7.). Responsive documents shall include documentation and action plans from the beginning of the Officer Defendants' employment with RPD to the present.

Response: Produced on April 28, 2022. See Bates No. CORVANN 02745-CORVANN028824 Bates Nos. COR000104-COR000420. See all Shared File Links on thumb drive previously sent. Additional officers are at CORVANN 029847-CORVANN 033331. Also see documents Bates No. COR00084-COR000101 which contain the concise officer History Reports for the Officers who used force in this incident, See COR0001037.

54. For every officer defendant and other Identified Officer produce copies of all attendance records and any certificate awarded as a result of attending Department related training.

Response: Produced on April 28, 2022. See Bates No. CORVANN 02745-CORVANN028824 Bates Nos. COR000104-COR000420. See all Shared File Links on thumb drive previously sent. Additional officers are at CORVANN 029847-CORVANN 033331. Also see documents Bates No. COR00084-COR000101 which contain the concise officer History Reports for the Officers who used force in this incident, See COR0001037.

55. For every officer Defendant and Other Identified Officer produce the complete field training and evaluation program.

Response: Produced on April 28, 2022. See Bates No. CORVANN 02745-CORVANN028824 Bates Nos. COR000104-COR000420. See all Shared File Links on thumb drive previously sent. Additional officers are at CORVANN 029847-CORVANN 033331. Also see documents Bates No. COR00084-COR000101 which contain the concise officer History Reports for the Officers who used force in this incident, See COR0001037.

SUPPLEMENTAL RESPONSE TO COURT SPECIFIC COURT ORDERED

PARAGRAPHS IN APRIL 13, 2021 ORDER (in box form for easier readability):

54	For every Officer Defendant and Other Identified Officer: produce copies of all attendance records and any certificates awarded as a result of attending any Department-related training. Department related training includes in-service training, semi-annual firearms qualification, periodic or refresher training, specialized training, career development, promotional training, seminars, or any training hosted by the Rochester Police Locust Club. (see GO 207 V. E. 4.). Responsive documents shall include every records of department-related trainings from the beginning of the Officer Defendants' employment with RPD to the present.	We produced the named officers on 4/28/2022 (See COR VANN 0027445 - COR - VANN 028824). The additional officers are at COR VANN 029847 - COR VANN 033331
55	For every Officer Defendant and Other Identified Officer: Produce the complete Field Training and Evaluation Program files	We produced the named officers on 4/28/2022 (See COR VANN 0027445 - COR - VANN 028824). The additional officers are at COR VANN 029847 - COR VANN 033331

56	For every Officer Defendant and Other Identified Officer: Produce all notices of claim, complaints, judgments and settlement paperwork for every claim or lawsuit filed against the City and/or any Officer Defendant that include allegations of false arrest, assault, battery, excessive force, malicious prosecution, falsification of evidence, dishonest or false written or oral statements or testimony. Responsive documents shall include incidents that occurred from the date of each Officer Defendant's appointment to the present	COR VANN 033332 - COR VANN 034640
57	For every Officer Defendant and Other Identified Officer: Produce all documents related to any awards or commendations awarded to any of the subject officers, including the Performance Support Form, RPD 1357, from the date of their appointment to the RPD to the present.	These documents were not located. Can begin search on August 20 th , 2023; at that time a second search for the documents will be undertaken and they will be turned over if found.
58	Produce all documents in Defendants' possession, custody or control related to the "Officer of the Year Award" given to Patrick Giancursio in or about May 2017, including the Performance Support Form, RPD 1357.	Same response as above (RFP No. 57).
59	For every Officer Defendant and Other Identified Officer: Produce every record created in connection with any arrest and/or use of force incident where the arrestee(s) were charged with one or more of the following offenses: Resisting Arrest, Disorderly Conduct, Obstruction of Governmental Administration, Assault on a Police Officer. Responsive documents shall include incidents that occurred from the date of the subject officers' appointment to the present.	List is in Excel spreadsheet in the Shared Link File in native format and not Bates Stamped. Full documentation is too massive to for possible download, will provide upon request.

60	For every Officer Defendant and Other Identified Officer: for any incident where the subject officer claimed the arrestee made “anti-police” statements, produce the incident report, arrest report, and/or subject resistance report.	Not possible for RPD to locate such information by this criteria.
61	For each <u>Other Identified Incident</u> , produce all records created in connection with each incident, including arrest reports, incident reports, after action reports, and subject resistance reports.	COR VANN 034641 - COR VANN 039444
62	For each <u>Other Identified Incident</u> , produce all civil litigation records, including all notices of claim, complaints, judgments and settlement paperwork.	COR VANN 039445 - COR VANN 039871 and additional audio/video files.
63	For each <u>Other Identified Incident</u> , produce all records related to any civilian complaints and/or internal investigations, including all Professional Standards Section, Civilian Review Board and Command Discipline records.	PRODUCED IN RESPONSE TO SECOND RPF on 1/13/2023, SEE COR028825 - COR052818
64	For the IAPro System used by Rochester Police Department, please provide any attachment, logs, routings, tasks, timescales and usage logs generated that reference any of the Officer Defendants.	PRODUCED ON 4/27/2021, SEE COR VANN 00139 - COR VANN 004134

65	For the IAPro System used by Rochester Police Department, please provide any attachment, logs, routings, tasks, timescales and usage logs generated that reference any of the Other Identified Officers	Produced 4/27/2021. SEE COR VANN 00139 - COR VANN 004134
66	For the IAPro System used by Rochester Police Department, please provide any attachment, logs, routings, tasks, timescales and usage logs generated that reference any of the Other Identified Incidents.	PRODUCED IN RESPONSE TO SECOND RPF on 1/13/2023, SEE COR028825 - COR052818
67	For every Officer Defendant and Other Identified Officer: Produce all sworn testimony from any criminal prosecution where the arrestee(s) were charged with one or more of the following offenses: Resisting Arrest, Disorderly Conduct, Obstruction of Governmental Administration, Assault on a Police Officer. Responsive documents shall include incidents that occurred from the date of the subject officers' appointment to the present.	<i>No such information is kept by RPD or the City. Internal Investigations would be kept in PSS Files.</i>
68	Produce all sworn testimony from any civil litigation or internal investigation by any of the Officer Defendants and Other Identified Officers.	<i>No such information is kept by RPD or the City. Internal investigations would be kept in PSS Files.</i>
69	Produce all sworn testimony from any criminal prosecution, civil litigation, or internal investigation related to any of the Other Identified Incidents.	<i>No such information is kept by RPD or the City. Internal Investigations would be kept in PSS Files.</i>

70	Produce all documents that were produced in <i>Keene v. City et al.</i> , 17-cv-6708, including but not limited to:	PRODUCED ON 4/27/2023, SEE COR VANN 00139 - COR VANN 004133
a	D172 to 197 – Concise Officer Histories for Defendants	PRODUCED ON 4/27/2023, SEE COR VANN 00139 - COR VANN 004134
b	D198 to 1463 – PSS investigative files of the officer defendants CD1	PRODUCED ON 4/27/2023, SEE COR VANN 00139 - COR VANN 004135
c	D1464 to 2671 – PSS investigative files of the officer defendants	PRODUCED ON 4/27/2023, SEE COR VANN 00139 - COR VANN 004136

d	D2672 to 3446 – PSS investigative files of the officer defendants CD	PRODUCED ON 4/27/2023, SEE COR VANN 00139 - COR VANN 004136
e	D3447 to 3546 – PSS Annual Reports 2010 to 2017	PRODUCED ON 4/27/2023, SEE COR VANN 00139 - COR VANN 004136
f	D3824 to D3995 – Aerosol Training	PRODUCED ON 4/27/2023, SEE COR VANN 00139 - COR VANN 004139
g	D3547 to D3823 – DT Manual	PRODUCED ON 4/27/2023, SEE COR VANN 00139 - COR VANN 004140

71	Produce all documents that were produced in <i>Scott v. City et al.</i> , 17-cv-6359, including but not limited to	PRODUCED ON 4/13/2021, See COR VANN 004134 - COR VANN 005894
a	COR 1390 – COR 1962, the PSS file from the Dudley Scott matter, PSS # 14-0762	PRODUCED ON 4/13/2021, See COR VANN00 4134 - COR VANN 005895
b	COR 211–COR 374, the PSS file in Barbarita v. Kester, PSS # 13-0913	PRODUCED ON 4/13/2021, See COR VANN00 4134 - COR VANN 005895
c	COR 375–526, the PSS file in Ngo v. Zenelovic, PSS # 16-0579	PRODUCED ON 4/13/2021, See COR VANN00 4134 - COR VANN 005897

72	Produce discovery documents from <i>Warr v. Libertore.</i> , 13-cv-6508, including but not limited to copies of all deposition transcripts and trial transcripts	The discovery file was produced on 4/27/2021, (COR 005896 - COR006890). Deposition and Trial transcripts are included here as COR VANN 039872 - COR VANN 042827
73	Produce every Subject Resistance Report from January 1, 2005 to present.	PRODUCED 2015 - 2021 on 4/27/2023, See COR VANN 006891 - COR VANN 027444
74	Produce every civilian complaint alleging that any RPD officer used excessive force, from January 1, 2005 to present.	COR VANN 042827 - COR VANN 045606, COR UOF 000001 - COR UOF 027533, and audio/ video files
75	Produce the complete Professional Standards Section file for every RPD Substantiated Force Incident, including but not limited to the following incident numbers: 13-1274, 14-0101, 15-0299, 14-0762, 14-0243, 15-0132, 15-0132, 15-0132, 17-0504, 16-0628, 16-0679. In responding to this request, you may limit your responses to RPD Substantiated Force Incidents from January 1, 2005 to present.	COR VANN 042827 - COR VANN 045606, COR UOF 000001 - COR UOF 027533, and audio/ video files

76	Produce the complete Professional Standards Section file for the following incidents: 17-0650, 17-0776, 17-1006, 17-1080, 17-1166, 15-0805, 16-0244, 16-0327, 16-0556, 17-0846, 17-1095, 17-1114, 17-1159, 18-0088, 18-0244, 18-0245, 18-0246, 18-0287, 18-0408, 18-0412, 18-0412, 18-0797. See 2018 PSS Annual Report, available at: https://www.cityofrochester.gov/PSSAnnualReports/ .	COR VANN 045607 - COR VANN 050054 and audio/ video files. 18-0408 does not exist.
77	Produce the complete Professional Standards Section file and CRB file for every CRB Substantiated Force Incident, including but not limited to the following incident numbers: 13-0172; 13-0385; 13-1274; 14-0101; 14-0101; 14-0101; 14-0101; 13-1140; 15-0299; 14-0404; 14-0762; 14-0762; 14-0787; 17-0027; 16-0327; 14-0243; 15-0132; 15-0132; 15-0132; 15-0132; 16-0817; 16-0817; 16-0817; 16-0817; 16-0817; 16-0817; 17-0504; 16-0628; 16-0628; 16-0679; 16-0679; 16-0679. In responding to this request, you may limit your response complaints the CRB or PSS sustained between January 1, 2005 and the present	See Response top RFP No. 75.
78	Produce the complete Professional Standards Section file and CRB file for the following incident numbers: 17-0252, 17-0252, 17-1006, 18-0287, 18-0408, 18-0128, 18-0723, 18-0727. See 2018 PSS Annual Report, available at: https://www.cityofrochester.gov/PSSAnnualReports/ .	COR VANN 050055 - COR VANN 051014. Per PSS, the following doesn't exist: 17-1006, 18-0408, 18-0727.
79	Produce the complete Professional Standards Section file, CRB file, and Command Discipline file for every Command Discipline Incident, including: 15-0872, 17-1081, 18-0092, 18-0276, 18-0304, 18-0430, 18-0770. See 2018 PSS Annual Report, available at: https://www.cityofrochester.gov/PSSAnnualReports/ . In responding to this request, you may limit your response Command Discipline incidents between January 1, 2005 and the present.	COR VANN 051015 - COR VANN 051050. Command Discipline files are purged after a year. Per PSS, the following doesn't exist: 15-0872, 17-1081, 18-0092, 18-0276, 18-0304, 18-0430, 18-0770.

80	Produce all arrest reports, incident reports, subject resistance reports, and after action reports for each incident identified in demands no. 75–79.	These documents are included in the responses to are included in RFP #s 75-79
81	Produce all criminal prosecution records in Defendants' possession, custody or control related each incident identified in demands no. 75–79	<i>No such information is kept by RPD or the City. Internal investigations would be kept in PSS Files.</i>
82	Produce all civil litigation records (including all notices of claim, complaints, judgments and settlement paperwork for every claim or lawsuit brought against the City and/or any RPD officer) related to each incident identified in demands no. 75–79.	COR VANN 051051 - COR VANN 051071

83	Produce copies of all PDS Annual Reviews of the Police Department's performance Assessment systems. In responding to this request, you may limit your response to reviews for the years 2002 to present. (See GO 207 V. C. 5.).	PER PDS SUCH DOCUMENTS DO NOT EXIST
84	Produce all documents containing statistical analyses of civilian complaints of excessive / unnecessary use of force by RPD officers. Civilian complaints include, without limitation, allegations directed or referred to the Professional Standards Section, the Civilian Review Board, the Chief of Police, the Mayor's Office, Corporation Counsel's Office, the District Attorney's Office, the United States Attorney's Office and the Federal Bureau of Investigation. In responding to this request, you may limit your response to documents containing statistical analyses created between January 1, 2002 and the present.	Defendants provided statistical tabulation of the Rochester Police Department Professional Standards Section Annual Reports for the year 2010 through 2017 which represent at least three years before and after the September 4, 2015 incident, See Bates Nos. COR000591-COR000689. NO ADDITIONAL DOCUMENTS

85	Produce all documents that contain the raw data used in calculating the statistical analyses referenced in the prior request.	Defendants provided statistical tabulation of the Rochester Police Department Professional Standards Section Annual Reports for the year 2010 through 2017 which represent at least three years before and after the September 4, 2015 incident, See Bates Nos. COR000591-COR000689. NO ADDITIONAL DOCUMENTS
86	Produce all documents containing statistical analyses of internal complaints of excessive / unnecessary use of force by RPD officers. In responding to this request, you may limit your response to documents containing statistical analyses created between January 1, 2002 and the present.	Defendants provided statistical tabulation of the Rochester Police Department Professional Standards Section Annual Reports for the year 2010 through 2017 which represent at least three years before and after the September 4, 2015 incident, See Bates Nos. COR000591-COR000689. NO ADDITIONAL DOCUMENTS

87	<p>Produce all documents that contain the data used in calculating the statistical analyses referenced in the prior request</p>	<p>Defendants provided statistical tabulation of the Rochester Police Department Professional Standards Section Annual Reports for the year 2010 through 2017 which represent at least three years before and after the September 4, 2015 incident, See Bates Nos. COR000591-COR000689. NO ADDITIONAL DOCUMENTS</p>
88	<p>Produce all documents containing statistical analyses of discipline imposed on RPD Officers for using excessive and/or unnecessary force. In responding to this request, you may limit your response to documents containing statistical analyses created between January 1, 2002 and the present.</p>	<p>Defendants provided statistical tabulation of the Rochester Police Department Professional Standards Section Annual Reports for the year 2010 through 2017 which represent at least three years before and after the September 4, 2015 incident, See Bates Nos. COR000591-COR000689. NO ADDITIONAL DOCUMENTS</p>

89	Produce all documents that contain data used in connection with the statistical calculations referenced in the prior request.	Defendants provided statistical tabulation of the Rochester Police Department Professional Standards Section Annual Reports for the year 2010 through 2017 which represent at least three years before and after the September 4, 2015 incident, See Bates Nos. COR000591-COR000689. NO ADDITIONAL DOCUMENTS
90	Produce all documents containing statistical analyses of Command Discipline imposed on RPD Officers for using excessive and/or unnecessary force. In responding to this request, you may limit your response to documents containing statistical analyses created between January 1, 2002 and the present.	Defendants provided statistical tabulation of the Rochester Police Department Professional Standards Section Annual Reports for the year 2010 through 2017 which represent at least three years before and after the September 4, 2015 incident, See Bates Nos. COR000591-COR000689. NO ADDITIONAL DOCUMENTS

91	<p>Produce all documents that contain data used in connection with the statistical calculations referenced in the prior request.</p>	<p>Defendants provided statistical tabulation of the Rochester Police Department Professional Standards Section Annual Reports for the year 2010 through 2017 which represent at least three years before and after the September 4, 2015 incident, See Bates Nos. COR000591-COR000689. NO ADDITIONAL DOCUMENTS</p>
92	<p>Produce all documents containing statistical analyses of civilian or internal complaints of RPD officers fabricating evidence or giving false or misleading testimony. In responding to this request, you may limit your response to documents containing statistical analyses created between January 1, 2002 and the present.</p>	<p>Defendants provided statistical tabulation of the Rochester Police Department Professional Standards Section Annual Reports for the year 2010 through 2017 which represent at least three years before and after the September 4, 2015 incident, See Bates Nos. COR000591-COR000689. NO ADDITIONAL DOCUMENTS</p>

93	Produce all documents that contain the data used in calculating the statistical analyses referenced in the prior request.	Defendants provided statistical tabulation of the Rochester Police Department Professional Standards Section Annual Reports for the year 2010 through 2017 which represent at least three years before and after the September 4, 2015 incident, See Bates Nos. COR000591-COR000689. NO ADDITIONAL DOCUMENTS
94	Produce all documents reflecting any policy identified in response to interrogatories.	No policy documents identified in the interrogatories
95	Produce all policy or training documents provided by the RPD and/or City from January 1, 2005 to present regarding identifying individuals suffering from mental illnesses and/or experiencing an acute mental health crisis (including but not limited to, training concerning identification of individuals suffering from bipolar disorder and schizoaffective disorder).	Produced on 9/4/2020, See COR000421 - COR00527. See also COR VANN 051739 - COR VANN 051833
96	Produce all defensive tactics training manuals utilized by the RPD between 2005 and present, including, but not limited to the Defensive Tactics Training Manual for Public Safety Officers published by the Public Safety Training Facility of Monroe Community College, and written by Guy A. Rossi and the PSTF staff.	Produced on 9/4/2020, See COR000421 - COR00527. See also COR VANN 051834 - COR VANN 052569.

97	Provide all training documents concerning the procedures, policies, and practices of the RPD related to “pepper spray” aka Capsaicin spray, including but not limited to the “Aerosol Subject Restraint Course Instructor Guide,” by the New York State Division of Criminal Justice Services.	COR VANN 052570 - COR VANN 053151
98	Produce all training and policy documents specifically concerning the taking of witness statements / supporting depositions.	COR VANN 053152 - COR VANN 053166
99	Produce all training and policy documents specifically concerning the legal and ethical requirements to provide honest and truthful testimony at the Grand Jury and/or at Trial.	COR VANN 053167 - COR VANN 053186
100	Produce all training and policy documents specifically concerning writing accurate, complete and truthful reports.	See Response to RFP No. 98
101	Produce all training and policy documents specifically concerning the collection of video evidence.	COR VANN 053187 - COR VANN 053248
102	Produce copies of all manuals and training materials outlining the duties and responsibilities of the RPD’s Research & Evaluation Section.	No such documents have been located.
103	Produce copies of all Professional Development Section training materials, Training Bulletins, Training Orders, etc., for training “raters in definitions of dimensions, methods of avoiding rater error, career counseling, and other system-specific areas.” (See GO 207 V. C. 6.).	COR VANN 053249 - COR VANN 053258

104	Produce copies of all “performance assessment manuals” that lay out the guidelines to be used by evaluating supervisors. (See GO 207 V. E. 2.).	No such documents have been located.
105	Produce all policies and records that identify and/or describe the RPD’s system of rating the performance of its officers.	No such documents have been located.
106	Produce all policies, guidelines, rules and regulations related to the IAPro system.	No such documents have been located.
107	Produce all policies and records related to the tracking of lawsuits and complaints against RPD officers throughout their careers.	COR VANN 053259 - COR VANN 053263
108	Produce all policies, guidelines, rules and regulations related to any Early Warning System and Detection Policy (EWS) and specifically, what performance, productivity and personnel factors are included within the EWS.	COR VANN 053264 - COR VANN 053266
109	Produce all records in Defendants’ possession, custody or control related to the Force Science Institute Certification Course held on September 25-29, 2017 for members of the Rochester Police Department, including:	No such documents have been located. If able to locate, such documents will be turned over.
a	all communications between the City and/or RPD and the Force Science Institute;	
b	all communications between the City and/or RPD and the Rochester Police Locust Club;	
c	the roster of RPD officers who attended any portion of the FSI certification course;	
d	a copy of any “sign in” and “sign out” sheets, or other records documenting the time that each RPD officer arrived and departed from each session / presentation / course;	

e	all materials used during each presentation / training / course;
f	all other documents or handouts provided to attendees;
g	the name and qualifications of each instructor / presenter, and which course(s) they instructed/presented at;
h	copies of each certification awarded to each RPD officer;
110	Produce all RPD policies and materials regarding "Defensive Tactics Training" from September 18, 2005 to present.
111	Produce the roster of all RPD officers who served as "Defensive Tactics Instructors" from September 18, 2009 to present.
112	Produce all RPD policies and materials regarding "Field Training Officers" from September 18, 2005 to present.
113	All RPD policy and training materials regarding the use of force, including but not limited to: GO 335, GO 340 from September 18, 2005 to present.
114	Produce all documents that outline the RPD's policies, rules and regulations regarding the use of "de-escalation" tactics to mitigate the use of force by police officers.

Produced on 9/4/2020, See COR000421 - COR00527. See also COR VANN 051834 - COR VANN 052569.

Cannot be compiled at this time will provide list as soon as completed.

See Bates Nos. COR000421-COR000526. See General Orders, entirety –if copy is needed it will be sent upon request.

See Bates Nos. COR000421-COR000526. See General Orders, entirety –if copy is needed it will be sent upon request.

See Bates Nos. COR000421-COR000526. See

		General Orders, entirety –if copy is needed it will be sent upon request.
115	Produce all training documents regarding “de-escalation” tactics to mitigate the use of force by police officers.	See Bates Nos. COR000421-COR000526. See General Orders, entirety –if copy is needed it will be sent upon request. and will produce when located.
116	Produce all documents that outline the RPD’s policies regarding the use of force against arrestees after they have been placed in handcuffs.	See Bates Nos. COR000421-COR000526. See General Orders, entirety –if copy is needed it will be sent upon request.
117	Produce all training materials regarding the use of force against arrestees after they have been placed in handcuffs.	See Bates Nos. COR000421-COR000526. See General Orders, entirety –if copy is needed it will be sent upon request.
118	Produce all RPD policy and training materials regarding the following offenses: resisting arrest, assault on a police officer, harassment, disorderly conduct, obstruction of governmental administration, and trespass. You may limit your response to training materials used by the RPD between September 18, 2005 to present.	See Bates Nos. COR000421-COR000526. See General Orders, entirety –if copy is needed it will be sent upon request.
119	Produce a copy of all RPD policies and training materials regarding taking / documenting / recording witness statements and/or supporting depositions.	See Bates Nos. COR000421-COR000526. See General Orders, entirety –if copy is needed it will be sent upon request.

120	Produce all documents regarding defendants' policies and practices concerning the preservation or destruction of documents.	COR VANN 051072 - COR VANN 051738
121	A privilege log identifying each document responsive to Plaintiff's discovery requests for which a privilege is claimed indicating the date, author, addressee, description or title, and the basis of privilege	<i>Privilege log attached.</i>
122	All department document purge schedules	<i>See Response to RFP No. 120</i>
123	All insurance policies, agreements, ordinances, or rules whereby the City may indemnify or pay any settlement or judgment for any individual defendant in the matter sued upon.	No Insurance Police. See Rochester City Charter §2-23 for indemnification policy.
124	All waivers of separate representation and/or attorney conflict signed by the named defendants in this matter.	NO ADDITIONAL DOCUMENTS

Date: August 16, 2023

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